

IN THE COURT OF CRIMINAL APPEALS

Christopher James Holder,
Appellant

§

FILED
COURT OF CRIMINAL APPEALS
8/11/2017
DEANA WILLIAMSON, CLERK

§

v.

§

PD-1269-16

The State of Texas,
Appellee

§

State's First Motion to Extend the Time for Filing Merits Brief

Pursuant to Rule of Appellate Procedure 10.5(b), the State requests an extension of time to file its brief on the merits and would show the following:

I.

Appellant filed a petition for discretionary review from the August 19, 2016 decision of the Fifth District Court of Appeals in *Christopher James Holder v. The State of Texas*, No. 05-15-00818-CR. This Court granted review on June 7, 2017.

II.

Appellant's brief was initially due on July 7, 2017. Appellant was granted an additional 17 days to file his brief, which he timely filed on July 24, 2017.

III.

The State's brief is due to be filed on August 23, 2017. The State respectfully requests an extension of time of 19 days until **September 11, 2017**, to file its brief.

IV.

Good cause exists for the extension, namely:

- While the ground for review granted in this case is seemingly narrow, it arguably implicates several complex and layered issues that the parties did not fully explore in the court of appeals below. For the State, this was due in large part to time and word-count constraints in responding to Appellant's 13 issues in a capital murder (life) appeal. Additional time is needed to thoroughly research and assess all issues that could be considered by this Court in order to present a comprehensive response.
- Oral argument has been set for September 27, 2017. Due to workload, scheduling, and other considerations, a different prosecutor will be presenting oral argument for the State. Sufficient time is needed to allow for an in-depth review of the State's brief before it is filed.
- In addition to diligently working on the State's brief in this case, counsel is also working on the State's brief in *James Dalton Smith v. The State of Texas*, Cause Number 05-15-01318-CR, in which Smith raises eight issues, and which is due in the Fifth Court of Appeals on August 18, 2017.

WHEREFORE, premises considered, the State respectfully requests that the Court grant the State's motion to extend time to file its brief for 19 days, until **September 11, 2017**.

Respectfully submitted,

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/s/ Libby Lange
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CERTIFICATE OF SERVICE

The State has e-served counsel for Appellant, Steven R. Mears, and sent a courtesy copy of the State's First Motion for Extension of Time to File its Merits Brief to SteveMears@msn.com on this the 11th day of August, 2017.

/s/ Libby Lange
Libby Lange